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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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1634

**REQUEST
FOR
CONTINUED EXAMINATION (RCE)
TRANSMITTAL**

Address to:

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Application Number	09/485,879
Filing Date	June 22, 2000
First Named Inventor	Michael Giesing
Art Unit	1634
Examiner Name	Jeanine Anne Goldberg
Attorney Docket Number	790076.401

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application. See instruction Sheet for RCEs (not to be submitted to the USPTO) on page 2.

1. **Submission required under 37 CFR 1.114** Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s).

a. Previously submitted. If a final Office action is outstanding, any amendments filed after the final Office action may be considered as a submission even if this box is not checked.

- Consider the arguments in the Appeal Brief or Reply Brief previously filed on Brief previously filed on _____
- Other _____

b. Enclosed

- Amendment/Reply
- Affidavit(s)/Declaration(s)
- Information Disclosure Statement (IDS)
- Other: Fee Transmittal (+ copy): Petition for Extension of Time

2. **Miscellaneous**

a. Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)

b. Other _____

3. **Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

a. The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 19-1090.

- RCE fee required under 37 CFR 1.17(e)
- Extension of time fee (37 CFR 1.136 and 1.17)
- Other _____

b. Check including the \$385 RCE fee is enclosed.

c. Payment by credit card (Form PTO-2038 enclosed)

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print /Type)	Stephen J. Rosenman, Ph.D.	Registration No. (Attorney/Agent)	43,058
Signature		Date	July 6, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450 Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Name (Print /Type)	Via Express Mail
Signature	

This collection of information is required by 37 CFR 1.114. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. #495598_1.DOC

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Michael Giesing et al.
 Application No. : 09/485,879
 Filed : June 22, 2000
 For : METHOD FOR THE CHARACTERIZATION OF
 DISSEMINATED AND MICROMETASTASIZED CANCER
 CELLS

Examiner : Jeanine Anne Goldberg
 Art Unit : 1634
 Docket No. : 790076.401
 Date : July 6, 2004

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 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

AMENDMENT

Commissioner for Patents:

In response to the Advisory Action mailed by the United States Patent and Trademark Office (hereinafter, "PTO") on January 2, 2004, and in lieu of an Appeal Brief further to the Notice of Appeal filed on December 3, 2003, enclosed please find a Request for Continued Examination and the requisite fee. Please extend the period of time for response five months, to expire on July 6, 2004, in view of the fact that July 3, 2004, falls on a Saturday and Monday, July 5, 2004, is a Federal Holiday. Enclosed are a Petition for an Extension of Time and the requisite fee. Please amend the application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 11 of this paper.